
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 09/04/2018

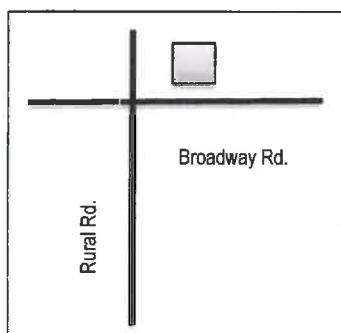
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Stoddard Property located at 2015 S. LaRosa Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$924.00 for abatement request, trim off all dead palm fronds from the palm tree in the back yard.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the STODDARD PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE181235: trim off all dead palm fronds from the palm tree in the back yard.



Property Owner	Kevin M. Stoddard
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Julie Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Stoddard Property located at 2015 S. LaRosa Drive, in the R1-6, Single Family Residential district. This case was initiated 03/06/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve an abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

City of Tempe
Community Development Department
31 E. 5th Street, Garden Level, Tempe, AZ 85281
Building Safety - Phone: 480-350-8341 Fax: 480-350-8677
Planning - Phone: 480-350-8331 Fax: 480-350-8872



Project Name: Stoddard Residence Abatement	
Project Address: 2015 S. CAROSA DR. Tempe AZ 85282	Suite No.: <input type="checkbox"/>
Proposed Use of Building/Suite: Single family Residence	Existing Zoning: R1-C <input type="checkbox"/>
Legal Description: <input type="checkbox"/> Attached Broadmor Vista	Parcel No.: 133-25-069 <input type="checkbox"/>
Description of Work/Request: Abatement of CE181235 Hearing for September 4th 2018	
Valuation (for building plan review only):	

Company or Firm Name: Community Development			Telephone 1: (480) 350 8951		Ext: _____
Applicant's Name: Julie Scofield			Telephone 2: ()		Ext: _____
Applicant's Street Address: 21 E 6th st			Fax: ()		
City: Tempe	State: AZ	Zip: 85281	Email Address(es): Julie_Scofield@tempe.gov		
Applicant Signature: Julie Scofield			Date: 7/20/18		

For City Use Only

Planning <input type="checkbox"/> SPR <input type="checkbox"/> Dev Plan Review <input type="checkbox"/> Sign Permit <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> General Plan Amend <input type="checkbox"/> Zoning Amend <input type="checkbox"/> Zoning Verification Letter <input type="checkbox"/> Subdivision/Condo <input type="checkbox"/> PAD Overlay <input type="checkbox"/> Legal Posting Signs <input type="checkbox"/> Administrative Decision <input checked="" type="checkbox"/> Abatement <input type="checkbox"/> Shared Parking <input type="checkbox"/> CCR Review <input type="checkbox"/> Continuance <input type="checkbox"/> Appeal <input type="checkbox"/> Other _____	Fees 	Building <input type="checkbox"/> New Building <input type="checkbox"/> Complete <input type="checkbox"/> Prelease <input type="checkbox"/> Basic <input type="checkbox"/> Add/Alt <input type="checkbox"/> TI <input type="checkbox"/> AFES (O/H) <input type="checkbox"/> MF <input type="checkbox"/> NRes <input type="checkbox"/> Res Remodel/Add <input type="checkbox"/> Pool <input type="checkbox"/> Demo <input type="checkbox"/> Grading Only <input type="checkbox"/> Phased Constr <input type="checkbox"/> Phased Constr w/UG MEP <input type="checkbox"/> Structural Frame <input type="checkbox"/> MEP Only <input type="checkbox"/> Mobile Home <input type="checkbox"/> Factory Built Bldg <input type="checkbox"/> Deferred submittal <input type="checkbox"/> Revision <input type="checkbox"/> New Standard <input type="checkbox"/> Permits based on Standard # <input type="checkbox"/> Suiting <input type="checkbox"/> Other _____	Engineering <input type="checkbox"/> Engineering <input type="checkbox"/> Revision Tracking Nos.: DS BP EN _____ PL X PC PPC _____ CA FR RA SGN _____ PF _____ MCA Code: File With: Received By:	Submitted Materials: <div style="display: flex; justify-content: space-between;"> <div> Building _____ Planning _____ Engineering </div> <div> Fire _____ Signs </div> </div> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Spec Book(s) <input type="checkbox"/> Structural Calcs <input type="checkbox"/> Truss Calcs <input type="checkbox"/> Hydraulic Calcs <input type="checkbox"/> Parking Analysis <input type="checkbox"/> Lighting Cut Sheets </div> <div> <input type="checkbox"/> Soils Report <input type="checkbox"/> Report <input type="checkbox"/> Materials <input type="checkbox"/> Color Board <input type="checkbox"/> Haz Mat Form <input type="checkbox"/> Other: </div> </div> Total Valuation: Total Submittal Fees: Validation: Date Stamp:
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DATE: 07/20/2018
TO: Jeff Tamulevich, Code Administrator
FROM: Julie Scofield
SUBJECT: Stoddard Property Abatement

LOCATION: 2015 S. La Rosa Dr. Tempe, AZ 85281

PARCEL: 133-25-069

OWNER: Kevin M. Stoddard
2015 S. La Rosa Dr.
Tempe, AZ 85281

FINDINGS:

03/06/2018 Complaint came into Neighborhood Enhancement (CE181235) for this property regarding dead palm fronds on a palm tree. The property was inspected. There is a palm tree in the back yard of the property that has many layers of dead palm fronds. A notice was mailed to the owner, Kevin M. Stoddard.

03/22/2018 The property was re-inspected. The palm tree was still in violation. A final notice was mailed to the owner.

04/25/2018 Inspected the property. There has been no change to the condition of the palm tree. A citation was issued to the owner. Pictures were taken the same day the citation was issued.

06/28/2018 A court hearing was held and the owner, Kevin Stoddard was found responsible.

07/20/2018 There has been no change to the condition of the property. Requesting a bid to trim off the dead palm fronds. The abatement hearing is set to be September 4th, 2018.

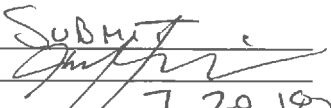
RECOMMENDATIONS:

I am recommending the approval for the abatement at 2015 S. La Rosa Dr. The property is owned by Kevin M. Stoddard. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. A citation was issued, and a court hearing was held. The owner was found to be responsible for the violation.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:

Submitted

7 20 18

CASE # CE181235



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/20/2018

KEVIN STODDARD
P.O. BOX 25181
TEMPE, AZ 85285-5181

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Legal: BROADMOR VISTA
Location: 2015 S. LA ROSA DR. TEMPE, AZ 85282
Parcel: 133-25-069

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/04/2018**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

1. TRIM OFF ALL DEAD PALM FRONDS FROM THE PALM TREE IN THE BACK YARD OF THE PROPERTY.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$924.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: Julie Scofield

Phone Number: (480)350-8951

E-mail: julie_scofield@tempe.gov

HAMANN ENTERPRISES, LLC

4001 W CAMELBACK RD C30

PHOENIX, AZ 85019

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 7/19/18

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 2015 S LA ROSA DR

1 TRIMMING OF PALM TREE IN BACK YARD 3RD PARTY	\$300.00
2 CONTRACTOR ON SITE	\$210.00
3 SECURITY BY TEMPE POLICE	\$414.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$924.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1619750		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material					
Driver's License No.				DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D				Incident Report Number ce181235			
Defendant		Name (First, Middle, Last) Kevin M. Stoddard												Juvenile			
Residence Address, City, State, Zip Code PO Box 25181 Tempe AZ 85285-5181												Residence Phone No. ()					
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions										
Business Address, City, State, Zip Code												Business Phone No. ()					
Vehicle		Color		Year		Make		Model		Style		License Plate		State		Expiration Date	
Registered owner & address, City, State, Zip Code										Vehicle Identification Number							
The Undersigned Certifies That:																	
On	Month 4	Day 25	Year 18	Time 10:54	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace				Direction of Travel			
At	Location 2015 S. LA ROSA DR.								<input checked="" type="checkbox"/> Tempe 85282 State of Arizona				Area		Dist.		
The Defendant Committed the Following:																	
A	Section: 21-B-B-8		ARS CC		Violation: Deteriorated Landscape/excessive		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction: PAID Fines										
MVD																	
B	Section:		ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:										
MVD																	
C	Section:		ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:										
MVD																	
D	Section:		ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:										
MVD																	
E	Section:		ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:										
MVD																	
You must appear on the date and time indicated at:		Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753				<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: 05/10/18		Time: Between 9AM & 4PM							
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date: _____		Time: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM									
		Court:		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.									
Court Address, City, State, Zip Code																	
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.										Victim? <input type="checkbox"/> Victim Notified? <input type="checkbox"/>							
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.										I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.							
x Mailed										Complainant [Signature]				PSN 8022			
Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____																	
Date issued if not violation date																	

COMPLAINT



1619750



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

03/06/2018

STODDARD KEVIN M
PO BOX 25181
TEMPE, AZ 85285-5181

Case#: CE181235

Site Address: 2015 S. LA ROSA DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 03/21/2018

This is a notice to inform you that this site was inspected on 03/06/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE TRIM OFF ALL DEAD PALM FRONDS FROM THE PALM TREE IN THE BACK YARD OF THE PROPERTY.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

03/22/2018

STODDARD KEVIN M
PO BOX 25181
TEMPE, AZ 85285-5181

Case#: CE181235
Site Address: 2015 S. LA ROSA DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 04/13/2018

This is a notice to inform you that this site was inspected on 03/22/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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Violation of City of Tempe Code 21-3-B-8

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Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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04/25/2018 10:54



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